

1 Daniel T. LeBel, SBN 246169  
 2 **CONSUMER LAW PRACTICE**  
 3 **OF DANIEL T. LEBEL**  
 4 3 Embarcadero Ctr., Ste. 1650  
 5 San Francisco, California 94111  
 6 *danlebel@consumerlawpractice.com*  
 7 Tel: (415) 513-1414  
 8 Fax: (877) 563-7848

9 *Co Lead Counsel for Plaintiffs*

10 Monty M. Agarwal (SBN 191568)  
 11 Jonathan L. Koenig (SBN 281737)  
 12 **ARNOLD & PORTER LLP**  
 13 Three Embarcadero Center, 10th Floor  
 14 San Francisco, CA 94111  
 15 Telephone: +1 415.471.3100  
 16 Facsimile: +1 415.471.3400

17 *Attorneys for Defendant*  
18 **SAFEWAY INC.**

19 UNITED STATES DISTRICT COURT  
 20 NORTHERN DISTRICT OF CALIFORNIA  
 21 SAN FRANCISCO DIVISION

22 MARTHA SMITH *et al.*, individually and  
23 behalf of himself and all other similarly  
24 situated,

25 Plaintiff,

26 v.

27 SAFEWAY INC.,

28 Defendant.

Case No.: 11-01230 RS

ORDER

**STIPULATION OF DISMISSAL WITH  
PREJUDICE; ORDER OF DISMISSAL**

**[FED. R. CIV. P. 41 (A)(1)(A)(ii)]**

1 IT IS HEREBY STIPULATED BY AND BETWEEN Defendant Safeway Inc., and  
2 Plaintiffs Eleanor Tate (Shonkoff) and Martha Smith, by and through their undersigned counsel of  
3 record, stipulate that pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) Plaintiffs dismiss with prejudice  
4 each of their individual claims. Any class claims are dismissed without prejudice. Except as  
5 otherwise provided for by the Parties, all costs and fees arising out of this action are waived by the  
6 Parties.

7 DATED: May 13, 2016

**ARNOLD & PORTER LLP**

8 By: /s/ Monty Agarwal  
9 Monty Agarwal  
10 Attorneys for Defendant  
11 SAFEWAY INC.


12 DATED: May 13, 2016

**CONSUMER LAW PRACTICE  
OF DANIEL T. LEBEL**

13 By: /s/ Daniel T. LeBel  
14 Daniel T. LeBel  
15 Co Lead Counsel for Plaintiffs  
16  
17

18 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

19 Dated: May 17, 2016

20   
21 \_\_\_\_\_  
22 Hon. Richard Seeborg  
23 UNITED STATES DISTRICT COURT JUDGE  
24  
25  
26  
27  
28